IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4481 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL GANDALAL JOITRAM

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 4481 of 1999

MR YOGESH S LAKHANI for Petitioner No. 1-30

MR PR ABICHANDANI, APP for Respondent No. 1

SINGHI & BUCH ASSO. for Respondent No. 2

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 20/03/2003

ORAL JUDGEMENT

The present petitioners-original accused, who are

facing the offence punishable under Sec.500 of the Indian Penal Code based on a complaint filed by the respondent No.2-Mangalbhai Ishwarbhai Patel in the Court of learned Chief Judicial Magistrate, Baroda being Complaint No.237 of 1999, has filed the present petition for quashing the complaint wherein after recording the verification, process was issued by the learned Magistrate.

2. Initially, ad-interim relief was granted by this Court vide order dated 26-7-1999 which was directed to be continued till final disposal of this petition while issuing rule vide order dated 15-2-2002.

3. Representatives of the communities are present in the Court along with their learned counsel. Learned counsels for the petitioners and the respondent No.2 have made a joint statement at the bar that the disputes between the parties are settled outside the Court and consent terms worked out have been admitted by the parties. They have also stated that petitioner Nos.7, 9 and 17 have died during the pendency of this petition and that as the disputes between the parties are compoundable, they have not asked for reasoned order. Xerox copy of the consent terms purshis dated 20-1-2003 reduced in writing by the parties submitted to this Court is ordered to be taken on record. In view of the aforesaid, this petition is required to be allowed.

4. This petition is allowed. The complaint and the process issued in Complaint No.237 of 1999 pending in the court of learned Chief Judicial Magistrate, Baroda, are quashed and set aside. Rule is made absolute accordingly.

(R.P.DHOLAKIA,J.)

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